

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BRANDON M. D'HAENENS,
Plaintiff,
vs.
FEDERAL NATIONAL MORTGAGE
ASSOCIATION for GUARANTEED REMIC
PASS-THROUGH CERTIFICATES FANNIE
MAE REMIC TRUST 2006-2; RECONSTRUCT
COMPANY, N.A.,
Defendants.

Case No. 2:11-cv-01432-GMN-GWF

ORDER

Plaintiff's Motion to Compel (#22)

Motion to Strike Plaintiff's Motion to Compel (#24)

This matter comes before the Court on Plaintiff's Motion to Compel Production of Documents and Disclosure (#22), filed on November 7, 2011 and Defendants' Motion to Strike Plaintiff's Motion to Compel Production of Documents and Disclosure (#24), filed on November 28, 2011. Plaintiff requests the Court order Defendants to produce the original Promissory Note and evidence of true possession by the parties. In response, Defendants argue that Plaintiff's motion is premature and without merit and therefore should be stricken from the record. Defendants claim that no request for production of documents was served upon either ReconTrust or Fannie, as Trustees in this action and, that any request for discovery is premature because the parties have not met and conferred as required by Fed. R. Civ. P. 26(f). Defendants also contend that Plaintiff has no legal right to the information that he is requesting.

Upon review, the Court finds that Plaintiff's motion to compel is improper. It appears discovery has not yet commenced in this case as the parties have not met and conferred as required by Rule 26(f). Plaintiff has not yet served a request for production of documents on the ReconTrust or Fannie. Pursuant to LR 26-8, requests for production of documents should not be filed with the Court, but

1 rather served on the appropriate individual in accordance with Rule 34. Plaintiff additionally fails to
2 certify that he has met and conferred with Defendants in an attempt to resolve any discovery disputes
3 prior to seeking the Court's intervention, as required by Fed. R. Civ. P. 37. Local Rule 26-7 provides
4 that a discovery motion will not be "considered unless a statement of the movant is attached thereto
5 certifying that, after personal consultation and sincere effort to do so, the parties have been unable to
6 resolve the matter without Court action." The Court therefore will strike Plaintiff's Motion to Compel
7 Production of Documents and Disclosure (#22) as improper. Accordingly,

8 **IT IS HEREBY ORDERED** that Defendants' Motion to Strike Plaintiff's Motion to Compel
9 Production of Documents and Disclosure (#24) is **granted**. The Clerk of the Court shall **strike**
10 Plaintiff's Motion to Compel Production of Documents and Disclosure (#22) from the docket.

11 DATED this 1st day of December, 2011.

12 
13 GEORGE FOLEY, JR.
14 United States Magistrate Judge